

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Bill No. 42, Page 4, Section 167.132, Line 68, by inserting after all of said line the  
2 following:

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4 "177.031. 1. The school board has the care and keeping of all property belonging to the  
5 district and shall provide the necessary globes, maps, charts, apparatus, supplementary books, and  
6 other material for the use of the school. The board shall keep the schoolhouses and other buildings  
7 in good repair, the grounds belonging thereto in good condition, and shall provide fuel, heating  
8 apparatus, and other material and appliances necessary for the proper heating, lighting, ventilation  
9 and sanitation of the schoolhouses; shall have the floors swept and fires made at the expense of the  
10 district, and cause an accurate account of the expense thereof to be kept and a report and settlement  
11 to be made at the next annual meeting or as required by law.

12 2. The school board having charge of the schoolhouses, buildings and grounds appurtenant  
13 thereto may allow the free use of the houses, buildings and grounds for the free discussion of public  
14 questions or subjects of general public interest, for the meeting of organizations of citizens, and for  
15 any other civic, social and educational purpose that will not interfere with the prime purpose to  
16 which the houses, buildings and grounds are devoted. If an application is granted and the use of the  
17 houses, buildings, or grounds is permitted for the purposes aforesaid, the school board may provide,  
18 free of charge, heat, light and janitor service therein when necessary, and may make any other  
19 provisions, free of charge, needed for the convenient and comfortable use of the houses, buildings  
20 and grounds for such purposes, or the school boards may require the expenses to be paid by the  
21 organizations or persons who are allowed the use of the houses, buildings and grounds. All persons  
22 upon whose application or at whose request the use of any schoolhouse, building, or part thereof, or  
23 any grounds appurtenant thereto, is permitted as herein provided shall be jointly and severally liable  
24 for any injury or damage thereto which directly results from the use, ordinary wear and tear  
25 excepted.

26 3. The school board of any district in which a charter school may be operated under  
27 subsection 2 of section 160.400 shall convey to any charter school operating within the geographic  
28 boundaries of such district, for a sum equal to the fair market value based on an independent  
29 appraisal, any school building and grounds that are not occupied by the district, subject to the  
30 following conditions:

31 (1) The charter school shall submit to the district a written proposal for the charter school to  
32 bring the property into compliance with all applicable building and occupancy codes and for paying  
33 the costs for operating a school on the property, including a pro forma that describes the planned use  
34 of the property, the work to be performed to bring the property into compliance with all applicable  
35 building and occupancy codes and the cost of such work, the plan for financing the cost of such  
36 work, and a ten year projected budget for the charter school that demonstrates the charter school's

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1 ability to pay the financing costs for such work and the cost of operating a school on the property  
 2 school during such ten-year period;

3 (2) The school district shall have sixty days from receipt of the proposal described in  
 4 subdivision (1) of this subsection to respond to the proposal;

5 (3) Unless the district affirmatively rejects the proposal within the sixty day period, the  
 6 proposal shall be deemed to have been accepted on the sixtieth day and the district shall convey to  
 7 the charter school fee title to the property free and clear of any encumbrances other than easements  
 8 of record as of the date of the proposal, with reversionary rights to the school district described in  
 9 subsection 4 of this section, upon satisfaction of the following contingencies within ninety days after  
 10 the proposal has been affirmatively accepted or deemed to have been accepted in the absence of an  
 11 affirmative acceptance or rejection;

12 (a) A bona fide commitment from a qualified lending agency or agencies to provide the  
 13 financing described in the proposal;

14 (b) Sealed architectural plans for the work to be performed according to the proposal;

15 (c) A signed contract between a qualified developer or contractor and the charter school for  
 16 performance of the work described in the proposal;

17 (4) The district may reject the proposal only by providing to the charter school within sixty  
 18 days of receipt of the proposal from the charter school a letter stating specifically one or more of the  
 19 following grounds for rejecting the proposal and the factual basis that supports each such grounds,  
 20 including district documents that support the stated basis for rejecting the proposal;

21 (a) The building and grounds have been occupied by the district within one year before the  
 22 date of the proposal;

23 (b) The district's budget for the upcoming school year includes funds for re-opening a  
 24 district-operated school in the building in the upcoming school year in an amount sufficient to open  
 25 and operate the school in such building;

26 (c) The charter school's proposal is not financially feasible based on the pro forma; and

27 (5) If the district rejects the proposal, the charter school may, within thirty days of receipt of  
 28 the rejection, appeal the district's decision to the commissioner of education by submitting a written  
 29 notice of appeal to him or her, with a copy of such notice to the district, asking the commissioner of  
 30 education to review the proposal and the rejection and make a determination whether the grounds  
 31 stated by the district for rejecting the proposal are supported by the record. The notice of appeal  
 32 shall include a copy of the proposal and the rejection and any documents that were made a part of the  
 33 proposal or rejection. The commissioner of education shall schedule an evidentiary hearing on the  
 34 matters at issue in the appeal, which hearing shall be concluded within thirty days of the  
 35 commissioner's receipt of the notice of appeal unless such hearing is waived or the time for  
 36 completing the hearing is extended to a date certain by stipulation of the parties. Within thirty days  
 37 after the conclusion of the hearing, unless the date for issuance of an order is extended to a date  
 38 certain by stipulation of the parties, the commissioner of education shall issue a written order stating  
 39 whether the proposal meets the requirement of this section. If the commissioner of education rules  
 40 that the proposal meets the requirements of this section, conveyance of the property by the district to  
 41 the charter school shall proceed as described in this subsection as if the proposal had been accepted  
 42 by the district on the date of the commissioner's order. An order of the commissioner of education is  
 43 subject to appeal to the circuit court pursuant to sections 536.110 to 536.130.

44 4. Any conveyance of property by a district to a charter school pursuant to subsection 3 of  
 45 this section shall be subject to a reversionary interest in favor of the district, subject to any deeds of  
 46 trust that secure any financing of improvements to the property, in the event the charter school ceases  
 47 to operate as a charter school without having merged with another charter school in good standing.

48 5. The school board of each district shall list on its internet website any buildings that are no

1 longer occupied. Such listing shall identify the date on which the building was no longer occupied.  
2 6. For purposes of subsections 3, 4, 5, and 6 of this section, the term "occupied" shall mean a  
3 district-owned building used for the education of children between the ages of four and twenty-one  
4 for at least three hours a day for a school term."; and

5  
6 Further amend said bill by amending the title, enacting clause, and intersectional references  
7 accordingly.  
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